

Remarks/Arguments

Claims 21-40 are pending in this application, and are rejected in the Office Action of February 22, 2010. No claim amendments are presented herein. However, a listing of the pending claims in the application accompanies this response for the Examiner's convenience.

Re: Claims 21-25, 28-32 and 35-38

Claims 21-25, 28-32 and 35-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0194599 by Mountain (hereinafter, "Mountain") in view of U.S. Patent Publication No. 2004/0078817 by Horowitz et al. (hereinafter, "Horowitz"), and further in view of U.S. Patent No. 6,925,650 issued to Arsenault et al. (hereinafter, "Arsenault"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 21 recites:

"A method for operating a television apparatus, the method comprising steps of:

requesting, via said television apparatus, first program guide data;
initiating, via said television apparatus, acquisition of said first program guide data in response to said request, wherein if a broadcaster provides second program guide data to said television apparatus without being requested by said television apparatus while said television apparatus is acquiring said first program guide data, said television apparatus uses said second program guide data instead of said first program guide data; and

enabling, via said television apparatus, display of a banner including information for a future program in response to one of said first program guide data and said second program guide data." (emphasis added)

As indicated above, amended independent claim 21 recites a method for operating a television apparatus that includes the receipt and display of program guide data. According to the claimed invention, program guide data may be received by the television apparatus in at least two different ways, namely, through (i) a "pull" process in which program guide data is acquired by the television apparatus in response to a request for such program guide data from the television apparatus, and (ii) a "push"

process in which a broadcaster provides program guide data to the television apparatus without being requested by the television apparatus. One notable feature of the claimed invention, is that a preference or priority is placed on program guide data received via a "push" process over program guide data received via a "pull" process. That is, according to the claimed invention, the television apparatus initiates acquisition of first program guide data in response to a request (i.e., a "pull" process). However, if a broadcaster provides second program guide data to the television apparatus without being requested by the television apparatus (i.e., a "push" process) while the television apparatus is in the process of acquiring the first program guide data, the television apparatus uses the second program guide data instead of the first program guide data. In this manner, the claimed invention places a preference or priority on program guide data received via a "push" process over program guide data received via a "pull" process. Independent claims 28 and 35 recite subject matter similar to independent claim 21.

None of the cited references, whether taken individually or in combination, discloses or suggests each and every feature of independent claims 21, 28 and 35. On page 4 of the Office Action dated February 22, 2010, the Examiner admits:

"Combination of Mountain and Horowitz meets all the limitations of the claim [i.e., claim 21] except "initiating, via said television apparatus, acquisition of said first program guide data in response to said request, wherein if a broadcaster provides second program guide data to said television apparatus without being requested by said television apparatus while said television apparatus is acquiring said first program guide data, said television apparatus uses said second program guide data instead of said first program guide data." (emphasis added)

In an attempt to remedy the aforementioned admitted deficiencies of Mountain and Horowitz, the Examiner relies on Arsenault, and specifically cites column 13, line 64 to column 14, line 15 thereof, which states:

"The receiver 132 acquires and stores program guide objects in three stages: bootup stage, building database stage and maintenance stage. The bootup stage occurs during power up of the receiver 132 when the guide database is empty. During the bootup stage, the receiver

132 mainly receives and stores boot event objects, which are transmitted more frequently than other program guide objects. During the building database stage, the receiver 132 continues to acquire program guide objects to complete the program guide. Specifically, the receiver 132 begins receiving more and more general program objects which provide more information than the boot event objects, but are sent less frequently. As general program guide objects are received, they replace the boot event objects, and the boot event objects are discarded from the guide database. During the maintenance stage, the receiver 132 adds new or updated program guide objects to the guide database, and discards old versions of program guide objects. The building database and maintenance stages occur simultaneously." (emphasis added)

As indicated above, the cited passage of Arsenault describes three (3) different stages in which a receiver 132 acquires and stores program guide data/objects, namely, a "bootup" stage, a "building database" stage, and a "maintenance" stage. However, none of these three stages of Arsenault makes any type of distinction between program guide data that may be received via a "push" process versus program guide data that may be received via a "pull" process, as claimed. Rather, the three stages of Arsenault appear to simply represent a progression (in the time-domain) through which program guide data/objects are received and stored. Moreover, in terms of prioritizing or preferring certain program guide data/objects over other program guide data/objects, Arsenault simply suggests that newer or updated data/objects replace older data/objects (see above description of "building database" and "maintenance" stages). In this manner, Arsenault ostensibly teaches a conventional "first-in, first-out" (FIFO) type of program guide data system.

As such, Arsenault fails to disclose or suggest, *inter alia*, the aforementioned claimed feature wherein a preference or priority is placed on program guide data received via a "push" process over program guide data received via a "pull" process (i.e., "wherein if a broadcaster provides second program guide data to said television apparatus without being requested by said television apparatus while said television apparatus is acquiring said first program guide data, said television apparatus uses said second program guide data instead of said first program guide data" as recited by independent claim 21 (and similarly recited by independent claims 28 and 35)).

Accordingly, Arsenault is unable to remedy the aforementioned admitted deficiencies of Mountain and Horowitz.

Therefore, for at least the foregoing reasons, Applicants submit that claims 21-25, 28-31 and 35-37 are patentable over the proposed combination of Mountain, Horowitz and Arsenault, and withdrawal of the rejection is respectfully requested.

Re: Claims 26, 33 and 39

Claims 26, 33 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view of Horowitz and Arsenault, and further in view of U.S. Patent No. 6,396,531 issued to Gerszberg (hereinafter, "Gerszberg"). Applicant respectfully traverses this rejection for at least the following reasons.

Gerszberg is unable to remedy the deficiencies of Mountain, Horowitz and Arsenault pointed out above in connection with independent claims 21, 28 and 35 (from which claims 26, 33 and 39 respectively depend). In particular, like Mountain, Horowitz and Arsenault, Gerszberg also fails to teach or suggest, *inter alia*, the claimed feature of "wherein if a broadcaster provides second program guide data to said television apparatus without being requested by said television apparatus while said television apparatus is acquiring said first program guide data, said television apparatus uses said second program guide data instead of said first program guide data" as recited by independent claim 21 (and similarly recited by independent claims 28 and 35).

Therefore, for at least the foregoing reasons, Applicants submit that claims 26, 33 and 39 are patentable over the proposed combination of Mountain, Horowitz, Arsenault and Gerszberg, and withdrawal of the rejection is respectfully requested.

Re: Claims 27, 34 and 40

Claims 27, 34 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view of Horowitz, Arsenault and Gerszberg, and further in view of U.S. Patent No. 6,763,522 issued to Kondo et al. (hereinafter, "Kondo"). Applicant respectfully traverses this rejection for at least the following reasons.

Kondo is unable to remedy the deficiencies of Mountain, Horowitz, Arsenault and Gerszberg pointed out above in connection with independent claims 21, 28 and 35 (from which claims 27, 34 and 40 respectively depend). In particular, like Mountain, Horowitz, Arsenault and Gerszberg, Kondo also fails to teach or suggest, *inter alia*, the claimed feature of "wherein if a broadcaster provides second program guide data to said television apparatus without being requested by said television apparatus while said television apparatus is acquiring said first program guide data, said television apparatus uses said second program guide data instead of said first program guide data" as recited by independent claim 21 (and similarly recited by independent claims 28 and 35).

Therefore, for at least the foregoing reasons, Applicants submit that claims 27, 34 and 40 are patentable over the proposed combination of Mountain, Horowitz, Arsenault, Gerszberg and Kondo, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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